

R277-482 received final approval by the Utah State Board of Education on November 1, 2018. R277-482 is published in the December 1, 2018 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 9, 2019.

**~~[R277. Education, Administration.~~**

**~~R277-482. Charter School Timelines and Approval Processes.~~**

**~~R277-482-1. Authority and Purpose.~~**

- ~~—— (1) This rule is authorized by:~~
  - ~~—— (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;~~
  - ~~—— (b) Section 53A-1-401, which allows the Board to adopt rules in accordance with its responsibilities;~~
  - ~~—— (c) Section 53A-1a-504, which requires the Board to make rules regarding a charter school expansion or satellite campus;~~
  - ~~—— (d) Sections 53A-1a-505, 53A-1a-515, and 53A-1a-521, which require the Board to make a rule providing a timeline for the opening of a charter school;~~
  - ~~—— (e) Section 53A-1a-513, which directs the Board to distribute funds for charter school students directly to the charter school; and~~
  - ~~—— (f) the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs the Board to submit specific information prior to a charter school's receipt of federal funds.~~
- ~~—— (2) The purpose of this rule is to establish procedures for timelines and approval processes for charter schools.~~

**~~R277-482-2. Definitions.~~**

- ~~—— (1) "Amendment" means a change or addition to a charter agreement.~~
- ~~—— (2) "Authorizer" or "charter school authorizer" means the following that authorize the establishment of a charter school:~~
  - ~~—— (a) the State Charter School Board;~~
  - ~~—— (b) a local school board; or~~
  - ~~—— (c) a higher education institution.~~
- ~~—— (2) "Charter agreement" means the same as that term is defined in Section 53A-1a-501.3.~~
- ~~—— (3) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3~~
- ~~—— (4) "Charter school governing board" means the board designated in a charter agreement to make decisions for the governance and operation of a charter school.~~
- ~~—— (5) "Expansion" means a proposed increase of students or adding a grade level in an operating charter school with the same school number.~~
- ~~—— (6) "Satellite charter school" means a charter school affiliated with an operating charter school, which has the same charter school governing board and a similar program of instruction, but has a different school number than the affiliated charter school.~~
- ~~—— (7) "School number" means a number that identifies a school within an LEA that:~~
  - ~~—— (a) receives money from the state;~~
  - ~~—— (b) enrolls or prospectively enrolls a full-time student;~~
  - ~~—— (c) employs an educator as an instructor who provides instruction consistent with Section R277-502-5;~~
  - ~~—— (d) has one or more assigned administrators;~~

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- ~~—— (e) is accredited consistent with Section R277-410-3; and~~
- ~~—— (f) administers a required statewide assessment to a student.~~

**~~R277-482-3. State Charter School Board Applicant Training.~~**

- ~~—— (1) A charter school applicant that is seeking to have a charter authorized by the State Charter School Board shall attend:~~
- ~~—— (a) pre-application training;~~
- ~~—— (b) planning year training; and~~
- ~~—— (c) other training sessions designated by the State Charter School Board.~~
- ~~—— (2) The State Charter School Board shall schedule pre-application training sessions multiple times annually that may be available electronically.~~

**~~R277-482-4. Charter School Information for Students and Parents.~~**

- ~~—— (1) A charter school shall have a website that contains the following information:~~
- ~~—— (a) the charter school's governance structure, including the name, qualification, and contact information of all charter school governing board members;~~
- ~~—— (b) the number of new students that will be admitted into the school by grade;~~
- ~~—— (c) the school calendar, which shall include:~~
- ~~—— (i) the first and last days of school;~~
- ~~—— (ii) scheduled holidays;~~
- ~~—— (iii) scheduled professional development days; and~~
- ~~—— (iv) scheduled non-school days;~~
- ~~—— (d) timelines for acceptance of new students consistent with Section 53A-1a-506.5;~~
- ~~—— (e) the requirement and availability of a charter school student application;~~
- ~~—— (f) the application timeline to be considered for enrollment in the charter school;~~
- ~~—— (g) procedures for transferring to or from a charter school;~~
- ~~—— (h) timelines for a transfer;~~
- ~~—— (i) provisions for payment, if required, of a one-time fee per secondary school enrollment, not to exceed \$5.00, consistent with Section 53A-12-103;~~
- ~~—— (j) the charter school governing board's policies; and~~
- ~~—— (k) other items required by:~~
- ~~—— (i) the charter school's authorizer;~~
- ~~—— (ii) statute; and~~
- ~~—— (iii) Board rule.~~
- ~~—— (2) A new or expanding charter school shall have an operative and readily accessible website containing the information described in Subsection (1) at least 180 days before the proposed opening day of school.~~

**~~R277-482-5. Timelines -- Charter School Starting Date and Facilities.~~**

- ~~—— (1) A charter school authorizer may:~~
- ~~—— (a) accept the proposed starting date from a charter school applicant; or~~
- ~~—— (b) negotiate and recommend a different starting date to the Board.~~
- ~~—— (2) A charter school may receive state funds if the charter school is approved as a~~

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~~new charter school by October 1, one fiscal year prior to the state fiscal year the charter school intends to serve students.~~

~~—— (3) A State Charter School Board authorized school shall begin construction on a new or existing facility requiring major renovation, such as requiring a project number consistent with Rule R277-471, no later than January 1 of the year the charter school is scheduled to open.~~

~~—— (4) A State Charter School Board authorized charter school that intends to occupy a facility requiring only minimal renovation, such as renovation not requiring a project number according to Rule R277-471, shall enter into a written agreement no later than May 1 of the calendar year the charter school is scheduled to open.~~

~~—— (5) A charter school shall comply with Rule R277-419 requirements of 180 days and 990 hours of instruction time, unless otherwise exempted by the Board under Section 53A-1a-511.~~

~~—— (6) The Board may, following review of information, approve the recommended starting date or determine a different charter school starting date after giving consideration to the charter school authorizer's recommendation.~~

#### **~~R277-482-6. Procedures and Timelines to Change Charter School Authorizers.~~**

~~—— (1) A charter school may transfer to another charter school authorizer.~~

~~—— (2) A charter school shall submit an application to the new charter school authorizer at least 90 days prior to the proposed transfer.~~

~~—— (3) The charter school authorizer transfer application shall include:~~

~~—— (a) current governing board members;~~

~~—— (b) financial records that demonstrate the charter school's financial position, including the charter school's:~~

~~—— (i) most recent annual financial report (AFR);~~

~~—— (ii) annual project report (APR); and~~

~~—— (iii) audited financial statement;~~

~~—— (c) test scores, including all state required assessments;~~

~~—— (d) current employees and assignments;~~

~~—— (e) board minutes for the most recent 12 months; and~~

~~—— (f) affidavits, signed by all board members certifying:~~

~~—— (i) the charter school's compliance with all state and federal laws and regulations;~~

~~—— (ii) all information on the transfer application is complete and accurate;~~

~~—— (iii) the charter school is current with all charter school governing board policies;~~

~~—— (iv) the charter school is operating consistent with the charter school's charter agreement; and~~

~~—— (v) there are no outstanding lawsuits or judgments or identifying outstanding lawsuits filed or judgments against the charter school.~~

~~—— (4) A charter school seeking to transfer charter school authorizers shall submit a position statement from the current charter school authorizer about the charter school's status, compliance with the charter school authorizer requirements, and any unresolved concerns to the proposed new charter school authorizer.~~

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~~———— (5) A new charter school authorizer shall review an application for transferring a charter school authorizer for acceptance within 60 days of submission of a complete application, including all required documentation.~~

~~———— (6) Final approval or denial of changing chartering entities to the State Charter School Board is final administrative action by the Board.~~

#### **R277-482-7. Charter School Expansion Requests.**

~~———— (1) A charter school authorizer shall maintain the final, official, and complete charter agreement.~~

~~———— (2) A charter school may request approval for an expansion if:~~

~~———— (a) the charter school satisfies the requirements of federal and state law, regulations, rule, and the charter agreement; and~~

~~———— (b)(i) the charter school's charter agreement provides for an expansion consistent with the request; or~~

~~———— (ii) the charter school governing board has submitted a formal amendment request to the charter school authorizer consistent with the charter school authorizer's requirements.~~

~~———— (3) If the charter school authorizer approves a charter school expansion, the expansion shall be [approved] submitted to the Board for approval before October 1 of the state fiscal year prior to the school's intended expansion date.~~

~~———— (4) For an expansion approved by an authorizer that is not the State Charter School Board, the charter school authorizer that authorizes an expansion of the authorizer's charter school shall provide the total number of students by grade that the charter school is authorized to enroll to the State Charter School Board and to the Superintendent on or before October 1 of the state fiscal year prior to the charter school's intended expansion.~~

~~———— (5) When considering whether to approve a charter school's request for an expansion, an authorizer shall consider the following:~~

~~———— (a) the amount of time the charter school has operated successfully meeting the terms of its charter agreement, giving preference to schools that have been successfully operated for three years or more;~~

~~———— (b) the academic performance data of students at the charter school, giving preference to charter schools with students who are performing on standardized assessments at or above:~~

~~———— (i) the standard established in the charter school's charter agreement; and~~

~~———— (ii) the average academic performance of other district and charter schools in the area;~~

~~———— (c) the financial position of the charter school, as evidenced by the charter school's financial records, including the charter school's:~~

~~———— (i) most recent annual financial report (AFR);~~

~~———— (ii) annual program report (APR); and~~

~~———— (iii) audited financial statement;~~

~~———— (d) whether the charter school has a waiting list for enrollment;~~

~~———— (e) adequacy of the charter school's facility;~~

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~~\_\_\_\_\_ (f) impact to local government entities, including the information described in Section 53A-20-108;~~

~~\_\_\_\_\_ (g) any student safety issues; and~~

~~\_\_\_\_\_ (h) ability to meet state and federal reporting requirements, including whether the charter school has regularly met Board reporting deadlines.~~

~~\_\_\_\_\_ (6) A charter school requesting an expansion shall provide the information described in Subsection (5) to the authorizer and the Board with the charter school's request for expansion.~~

#### **~~R277-482-8. Requests for a New Satellite School for an Approved Charter School.~~**

~~\_\_\_\_\_ (1) A charter school and its satellite are a single LEA for purposes of public school funding and reporting.~~

~~\_\_\_\_\_ (2) An existing charter school may submit an amendment request to the charter school's charter authorizer for a satellite charter school if:~~

~~\_\_\_\_\_ (a) the charter school satisfies requirements of federal and state law, regulations, and rule;~~

~~\_\_\_\_\_ (b) the charter school has operated successfully for at least three years meeting the terms of its charter agreement;~~

~~\_\_\_\_\_ (c) the students at the charter school are performing on standardized assessments at or above the standard in the charter agreement;~~

~~\_\_\_\_\_ (d) the proposed satellite charter school will provide educational services, assessment, and curriculum consistent with the services, assessment, and curriculum currently being offered at the existing charter school;~~

~~\_\_\_\_\_ (e) adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite charter school; and~~

~~\_\_\_\_\_ (f) the charter school provides any additional information or documentation requested by the charter school authorizer or the Board.~~

~~\_\_\_\_\_ (3) a satellite charter school that receives School LAND Trust funds shall have a charter trust land council and satisfy all requirements for charter trust land councils consistent with Rule R277-477.~~

~~\_\_\_\_\_ (4) A satellite charter school may receive state funding if the Board approves the satellite charter school by October 1 of the state fiscal year prior to the year the school intends to serve students.~~

~~\_\_\_\_\_ (5) When considering whether to approve a charter school's request for a satellite charter school, an authorizer shall consider the following:~~

~~\_\_\_\_\_ (a) the amount of time the charter school has operated successfully meeting the terms of its charter agreement;~~

~~\_\_\_\_\_ (b) the academic performance data of students at the charter school, giving preference to charter schools with students who are performing on standardized assessments at or above:~~

~~\_\_\_\_\_ (i) the standard established in the charter school's charter agreement; and~~

~~\_\_\_\_\_ (ii) the average academic performance of other district and charter schools in the~~

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area;

~~\_\_\_\_\_ (c) the financial position of the charter school, as evidenced by the charter school's financial records, including the charter school's:~~

~~\_\_\_\_\_ (i) most recent annual financial report (AFR);~~

~~\_\_\_\_\_ (ii) annual program report (APR); and~~

~~\_\_\_\_\_ (iii) audited financial statement;~~

~~\_\_\_\_\_ (d) any student safety issues;~~

~~\_\_\_\_\_ (e) whether the charter school has a waiting list for enrollment;~~

~~\_\_\_\_\_ (f) the charter school's governing board performance and capacity to open and operate a satellite campus;~~

~~\_\_\_\_\_ (g) adequacy of the satellite charter school's facility;~~

~~\_\_\_\_\_ (h) impact to local government entities, including the information described in Section 53A-20-108; and~~

~~\_\_\_\_\_ (i) ability to meet state and federal reporting requirements, including whether the charter school has regularly met Board reporting deadlines.~~

~~\_\_\_\_\_ (6) A charter school requesting a satellite charter school shall provide the information described in Subsection (5) to the authorizer and the Board with the charter school's request for a satellite school.~~

~~\_\_\_\_\_ [(5)] (7) The approval of a satellite charter school by the charter school authorizer requires ratification by the Board and will expire 24 months following the ratification if a building site is not secured for the satellite charter school.~~

**KEY: training, timelines, expansion, satellite**

**Date of Enactment or Last Substantive Amendment: ~~[May 23, 2016]~~2018**

**Notice of Continuation: March 30, 2016**

**Authorizing, and Implemented or Interpreted Law: ~~Art X Sec 3; 53A-1-401; 53A-1a-502.5; 53A-1a-504; 53A-1a-505; 53A-1a-515; 53A-1a-521; 53A-1a-513]~~**